IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 6896 of 2007(U)

PETITIONER:

A.GANAPATHY, AGED 70 YEARS,
S/O.ACHUTHAN, CHIRAYIL, PATHIYANKARA,
THRIKKUNNAPUZHA VIA, ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, HARIPAD.

3. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

4. PONNAPPAN, CHIRAYIL, PATHIYANKARA
(PO), THRIKKUNNAPUZHA VIA, ALAPPUZHA DISTRICT.

5. UTHAMAN, CHIRAYIL, PATHIYANKARA (PO),
THRIKKUNNAPUZHA VIA, ALAPPUZHA DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVERNMENT PLEADER SMT.N.SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF APPLICATION SUBMITTED BEFORE THE SECRETARY, THRIKUNNAPUZHA GRAMA PANCHAYATH DATED 20-6-2006 BY THE PETITIONER.

EXT.P2- TRUE COPY OF SKETCH SHOWING THE LIE OF THE PROPERTY.

EXT.P3- TRUE COPY OF ORDER OF the 3RD RESPONDENT DATED 24-1-2007.

RESPONDENT'S EXHIBITS:

EXT.R2A- TRUE COPY OF ROUGH SKETCH.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.6896 of 2007-U

Dated this the 9th day of April, 2007

JUDGMENT

The petitioner challenges Ext.P3 order of the Additional District Magistrate, Alappuzha, granting permission for drawing electricity line through his property, to give electricity connection to respondents 4 and 5. The petitioner has produced Ext.P2 sketch which would show that two lines are drawn from an existing post cutting across the property of the petitioner on two sides. Relying on Ext.P2, this Court ordered to maintain status quo. Now, the second respondent has filed a counter affidavit. Along with that a sketch has been produced which would show that the post is drawn from 'B to C' by the side of the western side of the petitioner's property. From 'C', connection is given to respondents 4 and 5. The K.S.E.B. submitted that it is the most feasible and less expensive route.

2. Heard. Going by Ext.R2 (a) sketch produced by the K.S.E.B., I find that Ext.P2 sketch does not reflect the correct lie of the land or show the route properly. Further, going by Ext.R2(a), I find that no serious prejudice is caused to the petitioner by the drawing of the line. So, I find no ground to interfere with Ext.P3. If, in future, any serious prejudice is caused, the petitioner will be free to move for the

shifting of the line appropriately.

Subject to the above right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS